

*New Jersey*

---

ALL the land in New Jersey was in 1606 with certain provisos, included by King James I of England in his grant to the Virginia Company. Three years afterwards, this grant was amended to include land in New Jersey only as far north as Barnegat.

The Dutch were trading with the natives on Manhattan Island in 1614, and it is believed that some Dutch settled in Bergen County between 1617 and 1620.

Captain Cornelius Jacobson Mey, of a Dutch expedition, sailed up the Delaware in 1620, giving his name to the Cape. He built Fort Nassau at Timber Creek, five miles below Camden, the first settlement of white people ever made on the Delaware.

Michael Pauw, a burgher of Amsterdam, and a director of the Dutch West India Company, was granted by the company in 1620 some land at Pavonia, which became the patroonship of Pavonia.

In November of the same year, King James I of England granted to twelve English lords and knights, and their twenty-eight associates, all the land between 40° and 48° North latitude (Philadelphia and Gulf of St. Lawrence), which included all land in New Jersey north of Camden and Toms River. But no settlement, under any of these English grants, was made in New Jersey.

Pauw and his small colony lived at Pavonia for a while and later received a grant of land on Staten Island. Finding the New Jersey grant unprofitable, he failed to comply with its con-

ditions and the company paid him twenty-six thousand guilders (guilders rated at 40¢) to relinquish the grant. There were two houses built there.

"We, Director and Council of New Netherland, residing on the Island of Manhattan, at Fort Amsterdam, under the jurisdiction of Their Noble Highnesses, the Lords States General of the United Netherlands and of the Incorporated West India Company, Department of Amsterdam, attest." Such was the introductory wording of a grant of sixteen miles square at Cape May, made, "subject to the usual conditions," by Peter Minuet, as director, in 1631 to Samuel Godyn, an Amsterdam merchant, and Samuel Bloemaert.

Peter Heyser, captain of the ship, "Whale," and Giles Coster, commissary, representing the grantees, negotiated with nine Indians named therein as the "lawful owners," who conveyed it for "a certain quantity of goods." The Indians agreed to have the sale confirmed by the other co-owners.

The same grantees had settled a colony on a grant across the bay in Delaware. Massacre by the Indians of all the settlers there, and a suit and counter-suit between the company and the grantees, terminated both projects.

Governor Kieft, successor to Minuet, in 1638 sold Paulus Hook for 450 guineas to Abram Isaacsen Planck (Verplank), who leased the Hook to Cornelius Arissen and agreed to build a barn for him. [168]

This grant to Planck was confirmed by Philip Carteret when he became the English governor of East Jersey in 1668. It was sold by Planck to Cornelius van Vorst in 1699, for £300 "current money in New York." For sixty-five years it was cultivated as a part of his extensive farm. [168]

Aret van Teunissen van Putten of Holland was, in 1641, granted the site of Hoboken and erected a brewery on it. [111]

All the land extending from Newark Bay along the valley of the Hackensack River towards Tappan, New York, was in 1641 granted to Myndert Myndertsen van der Horst of Utrecht, Holland, and a colony was established there. [16]

Constable Hook was in 1646 granted by the Dutch to Jacob Roy, chief gunner at Fort Amsterdam; and it is recorded that

the following year Francisco, a Negro, was given a piece of land along the Hudson River.

The same year, Claas Carstensen was granted land in the Greenville section, and Maryn Andriassen, land at Weehawken.

Augustyn Heermans (Herman) was in 1651 granted a large tract along the Raritan River, for Cornelius Van Werckhoven.

All the land on Long Island apparently having been granted during the first thirty years of Dutch rule (though sparsely settled, and a large portion of it held unused on speculation), twenty Englishmen from there went in a sloop to the Raritan River, to acquire land of the Navesink and Raritan Indians. As the Dutch had already acquired Indian grants there for large areas, Stuyvesant, the new Dutch governor, sent Kregier and Loockermans, with some soldiers, through the Kill van Kol to resist the English. [16]

The town of Bergen, now Jersey City Heights, was established, and land granted there, by the Dutch in 1660.

In an endeavor to allay the restlessness of the English, who were pressing towards Manhattan from Massachusetts, Connecticut and Long Island, the Dutch in 1661, to prove to the King of England that they entertained no hostility against the English settlers and welcomed them to New Netherland, issued and distributed posters throughout the British Kingdom, inviting English settlers to locate on land along the seashore in New Jersey, "which was wholly unpopulated except by Indians." [111] Excepting immediately along the seacoast, this section is sparsely settled even today.

Regardless of grants of the same territory to others by his predecessors, Charles II in 1664 granted to his brother James, Duke of York, all the land between the Connecticut River and the east side of the Delaware.

The apparent immediate reason for the conquest of Dutch New Netherland by the English in 1664, and the consequent grant of New Jersey to Berkeley and Carteret, are given in the chapter on New York.

Following are excerpts from the grant issued while the British squadron was on the high seas, on the voyage of conquest of the territory granted:

"This Indenture made 23rd day of June, 1664, between his Royal Highness James, Duke of York and Albany, Earl of Ulster, Lord High Admiral of England and Ireland, and Constable of Dover Castle, Lord Warden of the Cinque Ports and Governor of Portsmouth of the one part; John Lord Berkeley, Baron of Stratton, and one of his majesties most honorable privy council, and Sir George Carteret of Saltrum in the county of Devon, Kent, one of his majesties most honorable privy council of the other part.

"Witnesseth that the said James, Duke of York, for and in consideration of the sum of ten shillings to him paid doth sell unto the said Berkeley and Carteret all that tract of land lying westward of Long Island and Manhattan Island, and bounded on the east part of the main sea and part of Hudson's River, and upon the west, Delaware Bay and River, extending southward to the main ocean as far as Cape May, thence crossing in a straight line to Hudson's River, which said tract is hereafter to be called New Cesarea or New Jersey, and all rivers, mines, minerals, woods, fishings, hawking, hunting and fowling, and all other Royalties, profits, commodities and hereditaments whatsoever to the said lands and premises belonging. To have and hold and paying therefore unto the said Duke of York, his heirs and assigns, the rent of a pepper-corn upon the feast of the Nativity of St. John the Baptist next ensuing the date hereof (only if the same be demanded)."

It is interesting to know something of Berkeley and Carteret, and of their association with King Charles and the Duke of York, and why they were thus favored with the grant of all the land in New Jersey.

John Berkeley, born in 1607, commanded the army against the Scots in 1638, and was knighted. He became conspicuous in the civil wars which followed in England, supporting Charles II and the royal cause, and accompanying Charles in his exile in 1652.

Six years afterwards, Charles raised him to the peerage. On the Restoration of Charles in 1660, he was placed at the head of the duke's establishment, managed the duke's receipts and expenditures and became a member of the privy council.

Nine years later he became lord lieutenant of Ireland, which appointment he held for two years, and was then appointed ambassador to Versailles.

George Carteret, born on the Island of Jersey in 1599, entered the British navy and at the age of twenty-seven was appointed by Charles I joint governor of his native island. In 1640 he was comptroller of the navy and five years later was created a baronet. On the ruin of the royal cause, he afforded an asylum on the island to Charles II and about three hundred other refugees of distinction. In 1651, after seven weeks' siege by the parliamentary (Cromwell) forces, he surrendered and fled to France to join other refugees. At the Restoration of Charles he formed one of the immediate train of the restored monarch on his triumphant entry into London. His clinging to the royal cause gave him influence at court. He and Berkeley were members of the council of plantations and were two of the six favorites to whom Charles, in 1663, granted all the land in the Carolinas and Georgia. Neither one of them ever was in America. Four years subsequent to date of the grant, Berkeley was detected in selling public offices and became discredited. The following year Carteret was accused of embezzlement and expelled from the House of Commons. Bancroft, [5] the historian, designated him as "the passionate, ignorant and not too honest Sir George Carteret."

Notwithstanding the unsavory reputation of both Berkeley and Carteret, all land titles in New Jersey rest upon their signatures and public officials continue to perpetuate their memories by giving their names to streets and school houses.

Colonel Richard Nicolls, who was in command of the expedition for the conquest by the English of the Dutch in America, as cited in the chapter on New York, carried with him his appointment by the Duke of York as governor of all the Dutch territory which was to be conquered.

Immediately after the conquest, Nicolls received an application for a grant of land in New Jersey. The applicants thus addressed the governor: "We make bold with all humility to petition your honor that you will grant us liberty to purchase and settle a parcel of land to improve our labor upon in New Jersey and, some

of us being destitute of habitation where we are, we crave your early answer." Signed by John Bailey and five other persons on Long Island.

Governor Nicolls consented to this petition on condition that they first make terms with the Indians, which they did, but the only valid Indian who signed had previously parted with whatever interest he may have had to another white man, as was a common practice with Indians.

Regarding the purchase of land from Indians, the United States Supreme Court gave a decision that Indians had no ownership of land, that all deeds for land must run from the lords proprietors. A summary of this decision is given in the chapter on Indians.

This tract, which included land that had been granted by the Dutch to Herman thirteen years previously, became known as the Elizabethtown tract. It was bounded on the south by the Raritan River; on the north by the Passaic River; on the east by the Arthur Kill; and on the west by twice the length and breadth. Nicolls granted it for ever, "at a yearly land rent which would accord with the rentals to be later established by the duke."

Governor Nicolls announced in April, 1665, that with his consent and approval William Goulding and eleven associates of Long Island had acquired land of the Indians, and he granted the land to Goulding and associates, bounded as follows: "Beginning at Sandy Hook, running along the bay to the mouth of the Raritan River, thence along the river to a certain marsh which divides the river in two parts, thence in a southwest line twelve miles, thence to the ocean, together with all lands, soils, rivers, harbors, minerals (royal mines excepted), quarries, woods, lakes, fishings, huntings and fowling, and all other profits; to hold for ever, on condition that the grantees shall within three years manure and plant said land and settle thereon one hundred families at least. In consideration whereof I do grant that said grantees shall enjoy said land for seven years free from any payment of land rent, custom or tax. But after expiration of seven years, whoever possesses them shall pay the same rate which others within the duke's territories shall be obliged to pay."

These two grants occasioned extended litigation and great

disorder in the province for many years, having been granted by Nicolls after the duke had granted all New Jersey to Berkeley and Carteret—of which Nicolls had not received notice. The litigation was not ended when the American Revolution began, 110 years later, and ended all such controversies. (See Elizabeth-town Bill in Chancery 1747-59.)

Nicolls also made grants of land on Staten Island and in the Hackensack region to his military and naval officers.

Upon receiving the grant, Berkeley and Carteret, designating themselves the true and absolute lords proprietors of all the Province of New Jersey, though neither of them was ever in America, issued a proclamation of "Concessions and Agreements" and to put it into effect appointed Philip Carteret (a relative of Sir George) as governor, during their will and pleasure. He was given power to sell and to rent the land of the lords proprietors at a yearly rental, and to nominate a council of from six to twelve selected men, who would become landholders.

This proclamation provided that he should "lay taxes to raise money or goods, upon all land or persons in the province, except the lands unallotted by the lords proprietors." He was to appoint members of an assembly (later to be elected from among those who became landholders) who should make provision for the support of the governor, and the necessary charges of the government. Judges and constables were likewise to be appointed by him, the constables to collect the lords proprietors' land rents free of cost to the lords and pay the same to the receiver of rents, whom the lords would send over from England. To encourage purchase of land, none but landholders were to be appointed or elected to public office. A register of land titles was to be kept in both New Jersey and England. The governor was to arrange to erect forts; provide ammunition and other habiliments of war; train soldiers to suppress mutinies and rebellion; make war upon the Indians if occasion required; grant land according to the terms of the concessions, and make rules for laying out land and casting lots for locations.

It was also provided: "Upon planting land, one-seventh of each tract shall be reserved for the lords, the remainder to be allotted on rent or sale to those willing to build thereon. Tres-

passing or grazing of cattle on unsold land of the proprietors . . . was not permitted upon penalty of fine." This last provision to avoid subsequent claim that the unenclosed land of the proprietors was a commons.

" . . . in all assembly meetings the governor and his council are to sit by themselves and the deputies (assemblymen) by themselves [to lend greater dignity to the governor and his council], and whatever the assembly do propose, to be presented to the governor and his council and, upon their confirmation, to pass for an act of law, and to remain in force only when confirmed by us. In case of foreign invasion or intestine mutiny or rebellion the governor and his council shall call to their aid any person whatsoever whether landholder or not."

[To induce immigration] . . . "any one who settles themselves in New Jersey before January, 1668, shall receive a grant of 150 acres, and an additional 150 acres for himself for every able indented or other male servant they carry with them. Every master and man servant must be armed with a good musket, ten pounds of powder and ammunition of twelve bullets to the pound, with bandolier, and have six months' supply of provisions. Females to receive seventy-five acres, and all indented servants a like acreage at the expiration of their term of service. Arrivals during the ensuing two years shall receive a reduced acreage. Provided, always, that for the space of thirteen years following, said land shall be occupied." This was to prevent speculation in unused land.

Not any of these grants were free gifts, but entailed payment to the lords of a perpetual annual ground rent of either one-half or one English penny per acre, according to location value of the land and the settlers themselves were to make what "presents" were required by the Indians. Land was granted free for highways, streets and necessary public buildings, and each parish received two hundred acres for use of the church.

In the summer of 1665 Philip Carteret arrived at the present location of Elizabeth, where he established headquarters. Then it was, for the first time, that Nicolls learned of the grant of all New Jersey to Berkeley and Carteret and of its alienation from his government at New York,



Four families had settled on the Elizabethtown tract which had been granted by Nicolls to Bailey and his associates. The tract granted to Goulding and his associates, known as the Monmouth purchase, on which Middletown and Shrewsbury developed, was in process of settlement. These settlers and their immediate successors refused to recognize any authority or ownership of land by Berkeley and Carteret.

Governor Carteret in 1665 issued town charters to several towns in northern Jersey. An extract from the usual form of granting land runs: "We, John Lord Berkeley and George Carteret the absolute lords proprietors of the Province of New Jersey have granted to \_\_\_\_\_ a certain tract of land. [Here more or less indefinitely described] with all the upland, meadows, woods, fields, pastures, marshes, rivers and rivoletts, together with all the gains and profits thereunto appertaining; to have and hold, his heirs and assigns for ever. Yielding and paying to the said lords proprietors their heirs and assigns, one-half penny yearly for every acre herein conveyed."

To applicants for land to make a settlement on the Delaware River and Bay, the governor replied: "I cannot grant any exemptions from the payment of the half-penny per acre annual rent, it being the advantage which the lords proprietors reserve to themselves."

Governor Nicolls, in New York, wrote Lord Arlington at London that the grant of all New Jersey to Berkeley and Carteret was of inevitable prejudice to the New York colony, and suggested that they be given a tract of a hundred thousand acres, of twenty miles on each side of the Delaware River and Bay, which was recovered from the Dutch.

Governor Carteret sent emissaries to Connecticut in 1666 to endeavor to induce settlers there to move to New Jersey. Thirty families, led by Robert Treat, located at Newark, paying the proprietors half-a-penny per acre annual land rent. They divided their tract into town lots of six acres each, and each family drew for a location. Treat was allowed two extra lots in consideration of his leadership. Governor Carteret did not live up to his purported agreement to clear the land of any Indian claims, and the settlers, rather than risk being scalped, presented the Indians with some rum, coats and trinkets.

Carteret, two years later, issued a proclamation saying: "The province is in a probable way of being populated, there now being a considerable number of families in it," and called for appointment of freeholders (landholders) by each town to form an assembly.

The first assembly ever convened in New Jersey met at Elizabethtown in May, 1668. At a session six months later there arose the question of the legality of those titles to the land which had been granted by Nicolls. Deputies from Middletown and Shrewsbury, which were located on such land, refused to take the required oath of allegiance to Berkeley and Carteret and were dismissed. Nor would the authorities of those towns publish the laws enacted by the Carteret assembly. They contended that the Indian title confirmed by Nicolls was supreme and that, if the settlers at Middletown and Shrewsbury could not get relief from payment of land rents exacted by Berkeley and Carteret, they would organize an independent government.

Richard Hartshorne, a Quaker, who arrived in New Jersey in 1669 and located at Middletown, went to Gravesend and bought of William Goulding his interest in the Monmouth tract. [139] Hartshorne wrote an enticing account of New Jersey, which was circulated in England and induced considerable immigration. He afterwards became active in public affairs. [162]

It was decreed by the governor and council that every male over sixteen years of age should pay a personal tax, and a tax on every acre of land under fence, and on all livestock. Inasmuch as the lords had not fenced any land they would be exempt from the land tax. The settlers were to pay all taxes.

Governor Carteret ordered the surveyor-general to survey the Elizabethtown and Newark meadows and lands, irrespective of the claims of the Nicolls grantees, who would not take out deeds from the lords proprietors.

The governor proclaimed to the people of Woodbridge: "There are several persons admitted to your town meetings who have no land by the lords proprietors' authority, to the prejudice and hindrance of all other honest-minded men, and also endangering your town charter by suffering such malignant spirits to live amongst you."

That is, they had land which had been granted them by Nicolls, and Indian purchase, which grants were not recognized by Carteret, who consequently designated the grantees as "malignant spirits."

When the date for beginning collection of land rents arrived in 1670, there were revolts, and in some places riots, as far away as Perth Amboy, by those who objected to the land rents. Two years later they elected as "President of the country," over the proprietary governor, James Carteret, apparently a rather wayward son of Sir George, who was then tarrying in New Jersey, en route to the Carolinas.

Settlers asked Governor Carteret: "How did the king come into possession of the land which he conveyed to the Duke of York? Did not a predecessor of Charles II long ago grant to others all the land that Charles gave to the duke?"

They further protested against any potentate beyond the Atlantic Ocean assuming ownership of all the land on this side, to be granted by him as private property to his favorites in England, and used by those favorites to exact an annual land rent of the settlers in New Jersey.

Land rents exacted by the absentee lords proprietors were continually in arrears in New Jersey, as they were in all the colonies. Payments were avoided when possible and often resisted. Collections became especially difficult by reason of contentions arising from the Nicolls grants and they were enforced by constables by distress. Payment of rents in grain was refused; gold and silver being demanded, of which there was almost none in the colonies.

The council of seven appointed by the governor addressed the proprietors in London, asking that they accept payment of the land rents in produce of the country at merchants' prices. This was acceded to by the proprietors as the only way to collect the land rents.

Governor Carteret issued a declaration against James Carteret and his followers for styling themselves deputies, or representatives, for the country, and for electing a "President of the country," and other mutinous and rebellious acts contrary to the concessions promulgated by the lords proprietors.

The council requested the governor to go to England, which he did in July, 1672, acquainting Sir George with the affairs and grievances of the province, and suing to have his son desist from such irregularities.

Limiting the franchise for the purpose of bringing pressure on the Nicolls grantees to pay land rent to them, Berkeley and Carteret issued a "Declaration of the True Intent and Meaning of Our Concession," in which they stated:

"No person shall be counted a freeholder nor have a vote, nor hold office until he actually hold his land by grant from us. Sensible of the disorders in the province, we declare that all land granted by our governor to July 27, 1672, and confirmed by patent, shall remain to the particular owners, their heirs and assigns for ever, with all the benefits, profits and privileges therein contained. That all grants not derived from us we declare null and void.

"We utterly disown any grant made by Colonel Richard Nicolls and demand that holders of land pay the land rent to us, and unless so paid we hereby order our governor and council to dispose thereof. That the constable in every respective town shall take, by way of distress from each individual inhabitant within their jurisdiction, the rent due as yearly, beginning March 25, 1670.

"That it is in the power of the governor and his council to appoint courts; that all appeals from the courts shall be made to the governor and council, and thence to the lords proprietors in England, and then to the king. That the governor and council may dispose of land according to our direction.

"Although our concession call for payment in lawful money of England, we shall accept it in merchandise and produce of the country at merchants' prices.

"We will build a prison out of proceeds of land rents, and will send guns and ammunition as a magazine, but all other charges are to be defrayed by the province [the settlers]. That all strays of beasts, and wrecks at sea, belong to us."

Berkeley and Carteret, writing from Whitehall, London, in 1672, issued directions that Governor Carteret buy land of the Indians, in the name of Berkeley and Carteret, and that every

person who took up land was to reimburse the lords proprietors what they paid the Indians, in addition to the usual land rent to them.

While Governor Carteret was in England, John Berry, deputy-governor, notified settlers to take out land patents (and become rent-payers), otherwise they would lose the benefits of the lords proprietors' favor and forfeit such land as they were settled upon.

The Duke of York wrote Colonel Lovelace, who had arrived at New York to succeed Nicolls as governor of New York, as follows: "On June 24, 1664, I granted to Berkeley and Carteret all the land in New Jersey, and on November 28 following, so advised Colonel Nicolls, governor of all my territories in America, requiring him and all others concerned to yield their best assistance to the quiet possession of the premises.

"Nevertheless I am informed that contentious persons there lay claim to certain tracts of land under color of pretended grants from the said Colonel Nicolls, namely, one to John Baker and associates, and another to William Goulding and associates, both of which grants (being posterior to my grant to Berkeley and Carteret) are, as I am informed, void in law." This tended to quiet the colony for a brief time.

By order of his father, James Carteret left New Jersey in 1673 for Carolina, of which province his father and Berkeley were two of the eight proprietors, and where James had been made a landgrave, with forty-eight thousand acres of land.

The vessel on which he sailed was captured by the Dutch in the Chesapeake and, after being put ashore, he returned to New York. In the same year he married the daughter of Mayor Delavall. He returned to England subsequent to 1679.

Samuel Hopkins, who was a passenger aboard the captured vessel, and who had encouraged Admiral Evertsen of the Dutch fleet to attack New York, was an early settler at Elizabethtown. He was always identified with those hostile to the governor and the proprietors, having taken part with James Carteret in his attempt to subvert the established government. After capturing New York, the Dutch appointed Hopkins secretary of their government in New Jersey.

Weary of their distractions under the Carteret government,

many people of New Jersey welcomed the Dutch authority. [16]

Upon the conquest by the Dutch, the towns of Newark, Elizabethtown and New Piscataway petitioned the Dutch governor-general and council at New Orange (New York) that those towns be allowed the same privileges and freedoms given to natural subjects of the Dutch nation.

Most of the settlers, including the English, seemed to have taken the oath of allegiance to the Dutch government. The Dutch recognized the land grants made by Nicolls, which further encouraged the Nicolls patentees to resist the Carteret government after it was re-established.

A census made at that time, evidently of men capable of bearing arms, showed there were 409, "including eighteen Quakers," in the eastern part of New Jersey.

A quarter of a century of quiescence ensued at Salem after the Swedes and Dutch had driven out the New Haven English colony thereabouts, as related in the chapter on the Delaware Region.

But in the autumn of 1673, after the Dutch in their war with England had regained control of New York, New Jersey and the Delaware, a Dutch ship arrived in England with the British governor, Lovelace, aboard as a captive.

With the Dutch in control of the Carteret and Berkeley domain of New Jersey, and likely to grant it to some Dutch patroon, Lord Berkeley became concerned at the dubious prospect of ever making a fortune from profiteering in land in New Jersey. Just then falling into disrepute at court because of charges of corruption, Berkeley concluded that it would be best to try to find some one who would be willing to take a chance on his grant, to whom he might sell.

With that object he began negotiations with John Fenwick, a former major in the Cromwellian army, who since had become an ardent Quaker. Fenwick had no capital, but he enlisted the sympathetic interest of Edward Byllynge, a London maltster and a Quaker, in a proposal to establish a Quaker colony in New Jersey and divide the profits from the land venture.

George Fox, the founder of the Quaker faith, had been to New Jersey and other parts of America, and since his return to

England had been strongly advocating a mass migration of Quakers to America, to escape the unmerciful treatment they were receiving.

The treaty of peace between England and Holland, following the conquest of New York by the Dutch, stipulated that all places which had been taken by either of them should revert to the original holder. This reinstated English control of New Jersey and the Delaware. The duke appointed Major Andros as governor of New York and tributary territory, including New Jersey.

Without realizing that he would before long become a bankrupt, Byllynge, through Fenwick, in March, 1674 paid Berkeley £1,000 for Berkeley's undivided half interest in New Jersey, and received from him a grant thereof made to Fenwick, his heirs and assigns, in trust for Byllynge.

Less than a year thereafter, when Byllynge was on the verge of bankruptcy, Penn, as a mutual friend "in every way unconcerned," as Penn would have us understand, was brought into a transaction in the matter, which, so far as pertained to Fenwick's participation in West Jersey, later proved the fable of the camel's head in the Arab's tent.

An agreement was made between Fenwick and Byllynge of the one part, and Penn, Laurie and Lucas of the other part. Laurie, a merchant, and Lucas, a maltster of Hertford, were creditors of Byllynge. Lucas had been imprisoned eight years for his Quaker faith and was under sentence of banishment from England.

This was Penn's introduction to land dealing in America, which prompted him, six years later, to apply for and obtain from Charles II the grant of Pennsylvania which gave rise to his ineffective claim to Delaware.

The following year a quintuple agreement was entered into whereby Fenwick parted with a nine-tenths interest in his New Jersey venture for £400 to Byllynge, Penn, Laurie and Lucas, who agreed to the division of New Jersey into East and West Jersey. By this transaction Fenwick was on his way out: Penn was on his way in.

Brodhead [16] pronounced this deed "perhaps the most faulty

English secondary parchment in American annals, because of many omissions of essentials." By it Carteret was allotted all East Jersey with 2,981 square miles, while the Penn group took all West Jersey, with 4,595 square miles.

It is assumed that this division was with the assent of Carteret, though, as Penn was much given to dominating groups and transactions in which he took part, it is possible that he planned this division and then notified Carteret what they had done. Anyway, a year and five months passed before Carteret confirmed it in writing, whereupon Penn exclaimed, "Whose is the Earth and the fullness thereof." Five days after this transaction, Byllynge made a deed to Penn, Laurie and Lucas, in trust for his creditors.

Meanwhile Fenwick, on the strength of his remaining one-tenth interest, became on his own account a high-powered land salesman whom realtors of today might well envy. He prepared a glowing and enticing prospectus on the charms of New Jersey and the prospects of huge land profits, although it was country he had never seen and of which he knew but little. In a short while, without any authentic maps, surveys or blue prints, he sold to about fifty purchasers in England, as he afterwards showed, 148,000 acres of land along the Delaware Bay, mostly in tracts of 1,000 to 10,000 acres each.

Fenwick arrived in the Delaware in June, 1675, in the ship "Griffin," the first English vessel to arrive in West Jersey; none following for nearly two years. With him were about 150 colonists, including his three daughters, two sons-in-law, with five of their children, eight indented men servants and five women servants. He made a settlement at Salem—"peace." But instead of having peace, Fenwick was harassed by threats, prison and dire troubles during the entire remainder of his life.

Upon his arrival he negotiated for, and obtained from the Indians, the usual permission to occupy the land bordering on the Delaware Bay, in Salem and Cumberland counties. Whereupon, Fenwick granted to settlers he had brought with him deeds to land along the Salem, Cohansey and Alloways Creeks, including lots of sixteen acres each in Salem.

The following December Governor Andros, at New York,



learning of Fenwick's activities at Salem, and knowing nothing of any authority Fenwick had, ordered that he should not be received as owner or proprietor of any land, or to be allowed to trade. Andros assumed this authority by his interpretation of his appointment by the duke to act as governor of New York and the tributary territory.

In May, 1676, Fenwick attended a council meeting at New York, at which Andros and Philip Carteret were present, and in which they discussed the claim of Fenwick to land in New Jersey.

Fenwick returned to Salem where he assumed proprietary rights in allotting land, issuing licenses to distill liquor, and ejecting previous settlers from their habitations, all of which brought upon him the wrath of Andros, and imprisonment for forty days in New York.

Penn, Lucas and Warner appointed as commissioners in their interest Richard Hartshorne and Richard Gay, both of East Jersey; also James Wasse, whom they sent from England with a letter to Hartshorne, saying: "We desire you to have a meeting with John Fenwick and the people that went with him and show him he has no right to sell any land there. See if he be willing to peacefully let the land he purchased from the Indians be divided into a hundred parts, casting lots for the same. We are content to pay our ninetieth part of what was paid the Indians.

"Also to get land surveyed, and divide into lots for a town or settlement of four or five thousand acres, and divide into one hundred parts. Lots to be sold at £200 each." [139]

Penn, with his grant of Pennsylvania from Charles II, arrived in the Delaware in October, 1682.

James Nevill of Salem wrote Governor Penn at Philadelphia complaining of the boasting of Fenwick. He enclosed an account of land sold by Fenwick in England, after his conveyance to Eldridge and Warner. The list included: three tracts of 10,000 acres each; five of 5,000 acres each; two of 3,000 acres each; six of 2,000 acres each; twelve of 1,000 acres each and seventeen tracts each of smaller area. Nevill added, "I am informed he

sold 148,000 acres in England and showed a schedule thereof to Thomas Woodroofe."

The following, signed by Penn and witnesses prior to his departure from England, was subsequently found. It lacks the signature of Fenwick and merely shows what Penn wanted of Fenwick: "March 25, 1682. Deed from John Fenwick to William Penn and assigns, for half of New Jersey, for ten shillings and other valuable considerations, including his interest in the ten equal parts mentioned in a deed to Penn and others in February, 1674, (except always 150,000 acres in that tract of land called Fenwick's colony) with power to keep court under the government of William Penn."

Fenwick having died in 1684, his executors agreed with William Penn, as follows: "Agreed that excepting 150,000 acres already allotted to the heirs of John Fenwick, the neck of land between Salem Creek and Oldmans Creek is hereby allotted to William Penn to dispose of, he making full report of same." By this time the camel had its entire body in the Arab's tent.

Following the entanglements of Fenwick has led us beyond the time of some of the principal occurrences pertaining to this chapter.

After the recapture from the Dutch, Charles II, on June 29, 1674, renewed to the duke his former grant of land in New England, New York, and in New Jersey to the east side of the Delaware, saying that the right of conquest is greater than the right of descent. Whereupon, the duke granted to George Carteret (Berkeley having sold his interest to Fenwick), his heirs and assigns for ever, all that tract of land lying westward of Long Island and Manhattan to a line run from Barnegat to Rancocas Creek. Carteret was to pay yearly to the Duke of York, his heirs and assigns, twenty nobles of money of England, if demanded. This boundary was not adhered to by Penn, as noted in the quintuple agreement.

Land in East Jersey ordinarily sold for eight or ten times as much as land in West Jersey. East Jersey had seven fair-sized towns, comprising 3,500 people, besides being near New York, a place of great trade. [162]

Andros, with a body of soldiers, returned to New York as

governor in October, 1674, and shortly thereafter assumed to act as governor of New Jersey, confirming all land grants in East Jersey previously made by Berkeley and Carteret.

Philip Carteret, who had been in England during the Dutch possession of New Jersey, arrived in the same frigate, having been reappointed governor of East Jersey by Sir George.

In his instructions to Governor Carteret, Sir George recited the instructions formerly made by him and Berkeley.

Sir John Werden, secretary to the Duke of York, who disapproved of the grant by his master to Carteret, and who later took the same attitude towards the grant of Pennsylvania by Charles II to Penn, wrote Governor Andros at New York: "We have as yet done nothing towards adjusting Sir George Carteret's pretensions in New Jersey, where I presume you will take care to keep all things in the same posture as to the duke's prerogatives and profits as they were in your predecessors' time, until you shall hear of some alterations agreed to here."

Andros went to New Castle, in 1675, to meet and enter into a treaty with the Indians of Delaware and West Jersey.

The following year a tax was levied in East Jersey on all land which the proprietors had deeded to others. The Morris family was granted a large tract of land near the Raritan River, with the right "to dig, delve and carry away all such mines for iron as they shall find." [169]

The West Jersey proprietors living in London appointed commissioners resident in West Jersey, to manage the affairs of the province: "The method for division and sale of land is by proprietaries, that is to say, each one hundred parts is designated a proprietary, judged to be twenty thousand or more acres; the bounds to be marked on trees, and divided among the proprietors. Two or more may join in purchase of a proprietary. As each proprietary is settled upon another will be opened.

"Each one hundred parts, as occasion may require, to be divided in ten equal parts or shares. Five shares are to be granted to Thomas Hutchinson, yeoman of Beverly; Thomas Pierson, yeoman of Bonwick; Joseph Hemsley, yeoman of Great Kelk; George Hutchinson, distiller of Sheffield, and Mahlon Stacy, tanner of Hansworth, all of Yorkshire, England, for themselves

and friends. The remaining tenths, each containing about two thousand or more acres, to be granted to later purchasers of shares who may go to West Jersey to inhabit.

"To promote speedy immigration, any person arriving before April 1677 shall have seventy acres, and an equal acreage for himself and every able-bodied male servant that he may transport. Indented servants, at expiration of their service, shall have fifty acres for himself and heirs; a lesser acreage for females.

"All such shall pay yearly rental to that proprietor to whom the land belongs, one pence an acre in towns, and half a pence elsewhere. Later arrivals to pay an increased land rent; provided always that the land shall be actually occupied for ten years. All other proprietors shall, for the first ten years, keep upon every lot of land at least one person, and if it exceeds a hundred acres, one person on each one hundred acres; otherwise it shall be subject to forfeiture.

"The constables shall collect the rents for the proprietors who live in England, Ireland and Scotland, and shall pay it to the receiver of rents appointed by the proprietors, unless the general assembly to be constituted shall prescribe some other way of collecting the rents free of expense and trouble to the proprietors. A register of land deeds shall be kept both in West Jersey and in London. Commissioners have power to locate towns."

A charter of Fundamental Laws of West Jersey was proclaimed in 1677, as a "Declaration of Concessions and Agreements," which provided that: "These rights and privileges of West Jersey are individually agreed upon by the proprietors and freeholders to be the foundation of the government, which is not to be altered by legislative authority, or free assembly, hereafter. Should any person of the assembly move, or excite anything that contraverts them, he shall be proceeded against as a traitor to said government.

"Religious freedom is granted. Inhabitants have the privilege of fishing in the Delaware River and on the seacoast, and of hunting and killing wild game, except on surveyed land. Taxes may be laid by the general assembly upon land or persons.

"No ship captain shall transport any person from the province except that the court give permission, after the name of the in-

tended person to depart had been posted in three public places for three weeks.

"The assembly of West Jersey is to consist of landholders, to have power to make laws, provided they be not against any of our concessions before mentioned.

"To keep the members of the assembly, and the people, in mind of these conditions, they shall be read at the beginning and dissolution of every meeting of the assembly, and further, shall be read in a solemn manner by the chief magistrates four times a year in the presence of the people.

"Any land to be taken up from the Indians by the proprietors, the Indians shall be made acquainted of the intention of the proprietors to do so, and given what presents they shall agree upon, for their good will and consent."

The ship, "Kent," the second English vessel to sail into the Delaware, brought the commissions representing the West Jersey proprietors, and also 230 settlers, mostly Quakers, from London and Yorkshire. It arrived in August, 1677. Calling en route at New York, the settlers showed Governor Andros deeds for land in West Jersey, which Andros refused to recognize until so advised by the duke. However, he gave them permission temporarily to locate on land along the Delaware, subject to his government. [105]

There was an interregnum between Andros' appointment as governor of the duke's territory (after repossession by the English) and the date of the grant by the duke to his subsequent grantees of New Jersey. During this period, Andros forcibly asserted authority as governor, and for a time, between 1677 and 1679, his authority was widely recognized by settlers, regardless of the presence of Governor Philip Carteret. In 1678 he appointed six commissioners in West Jersey, as a minor court, subject to appeal at New Castle.

Soon after the first settlements, the West Jersey proprietors divided 500,000 acres among themselves as the first land dividend. Later there were four dividends, each of like area, each proprietor taking his portion of 2,500,000 acres, [139] which is 85 per cent of the entire land area of West Jersey.

Clarkson estimated that the number of settlers sent to West

Jersey through Penn's agency, during the first five years, was about eight hundred, mostly Quakers. [65]

The Penn group had been acting these six years on the strength of the Byllynge purchase of Berkeley's interest in West Jersey. It was not until August 6, 1680, that the Duke of York made a grant of that region to Penn and his associates: "To have and to hold for ever, and likewise have given and granted to Byllynge all power of government."

Immediately after the death of Sir George Carteret, early in 1680, Governor Andros, in New York, assumed a dictatorial attitude towards Governor Carteret in New Jersey and continued to make grants of land in New Jersey.

A grant by James, Duke of York, to Sir George Carteret, grandson of the original proprietor, dated September 10, 1680, reads: "For and in consideration of a competent sum of money for the better extinguishing of such claim His Royal Highness may have had in East Jersey, hath sold to said Sir George Carteret, his heirs and assigns, all the entire premises called East Jersey, with all islands, and hereby grants the government to Sir George Carteret, his heirs and assigns to be held, enjoyed, exercised and executed by him."

The power to institute government was considered as one of the proprietary rights, which was as transferable as property in land. [105]

Governor Carteret wrote Lady Carteret, advising her that "surrender of Staten Island (which is yours as much as any other part of the province) is refused," and asked that Governor Andros be punished, "now that you have him in England, else we shall never be at peace."

Sir John Werden, writing from Edinburgh to Sir Allen Apsley said: "You have often heard what the consequences would be of the release of New Jersey to the Quakers and Sir George Carteret, viz., certain loss of the trade and revenue of New York, because of no import tax collected in New Jersey."

At a meeting of the governor, council and assembly of East Jersey, in October, 1681, there was acrimonious contention over the requirement that the expense of collecting the proprietary land rent be borne by the settlers. Many encroachments had been

made upon the "Concessions" of 1664. Deputies asked that it be declared void and debated. The governor replied: "If you had the benefit of understanding you would neither have desired nor expected them to be made void." The deputies declared the inhabitants were not obliged to conform thereto.

At this time, the cost of passage from England to New Jersey, including food, passengers supplying their bedding, was usually £5 for adults and 50s for grown children. The rate for goods was 40s per ton. [139] Sometimes ships went from Dublin and Hull, some calling at Leith, Dundee, Aberdeen and Ayr, in Scotland, and at Waterford, Ireland.

New Brunswick was founded in 1681. The first legislature in West Jersey met at Burlington that year, and a contention arose between assemblymen and Penn representatives as to ownership of islands in the Delaware River.

Penn's long coveting of the islands in the Delaware was engendered by the hope of the prospective grant to him by the Duke of York of an area within a twelve-mile circle of New Castle, which would have extended his holdings to the New Jersey shore. Although this proposed grant was never made effective, Penn repeatedly asserted his claim. This is fully treated in the chapter on the Delaware Region.

It was ordered in 1681 that, "each tenth of ten proprietaries shall have their proportion of frontage on the Delaware River or Bay, and so far back as will contain sixty-four thousand acres. All land sold by a West Jersey proprietor shall be settled upon within six months, or be void and free for other purchasers, and they shall seat it within one month. . . . no person shall have more than forty perches front on a river or navigable creek."

Surveyors were ordered to measure the entire river and bay from Assanpink Creek (below Trenton) to Cape May, and to find the division line of each tenth. [144]

A lease (sale) from Elizabeth Carteret, widow of Sir George and guardian of the younger Sir George, and the trustees, to William Penn of all the land in East Jersey was made in London, February, 1682. With Penn in the deal were: Robert West; Thomas Rudyard, gent; Samuel Groome, mariner; Thomas Hart, merchant; Richard New, merchant; Thomas Wilcox, gold-

smith; Ambrose Rigg, gent; Thomas Heywood, skinner; Hugh Hartshorne, skinner; Clement Plumsted, draper; and Thomas Cooper, tailor. All were Quakers resident in England; they were the first twelve proprietors of East Jersey.

The lease stated: "That, by and with the consent and direction of Dame Elizabeth Carteret . . . for five shillings, has granted and sold that entire tract of land in New Jersey easterly of a line drawn from Little Egg Harbor to the headwaters of the Delaware River, and all the islands, minerals and all other royalties, franchises, rents, profits and powers of government."

The sale also included assignment to the purchasers of all arrears of land rent due the Carteret estate. In addition to the five shillings named therein, £3,400 (about 85¢ per acre) was paid for all the land in East Jersey, which Carteret, the original holder, had received as a royal gift.

The proprietors, after completing the purchase in London, sent a greeting to the settlers in East Jersey, saying: "Since it has pleased Almighty God to order it so by His Providence as to give us the interest we have in this province, we desire that you may find yourselves happy in this our purchase." And they might have added: "in paying to us absentees a perpetual annual ground rent for the privilege of using land in New Jersey from which to earn your living."

Samuel Groome was appointed by the new proprietors as receiver-general and shortly after his arrival in New Jersey, wrote: "I purpose demanding all arrears of land rents. Captain John Berry [who served as deputy-governor during the absence of Governor Carteret in England] is £200 to £300 in arrears. I'll begin with him and either have the money or the land." [135] The tax levied on improved land could be paid in money, or in wheat, corn or other produce. [105]

Robert Turner, a wealthy English Quaker who had been imprisoned for his religious belief, bought a proprietary share in both East and West Jersey, and bought land in Pennsylvania. [106]

Some West Jersey proprietors sold their individual proprietaries, or fractional shares thereof. Byllynge and his trustees sold one proprietary, in 1675, to William Peachy for £350, which seems to



have been the going price at that time, and it was divided with seven others, a one-eighth share going to each. Another sale, six years later, was made at the same price, and an eighth was sold at £50. Fractions grew smaller, down to one sixty-fourth, [144] and the price grew larger. In the course of time the feudal element was gone, and those holding land then became plain landholders.

Instructions from the proprietors in London to Gawen Laurie, on his departure for East Jersey to succeed Thomas Rudyard as deputy-governor, in July, 1683, were: "Consider the best means of dividing the land among the proprietors, especially the 10,000 acres to each proprietor, being 240,000 acres now to be divided, as formerly ordered. Also, where any persons are behind in payment of rents they shall consent to turn back to the proprietors what land they are not using. That in laying out Perth [Amboy, which was done in 1684] be sure that the streets be made wide and that the 1,500 acres in the town be divided into 150 lots of 10 acres each, to be divided among the 24 proprietors; 60 acres to each, leaving 6 lots for market place, prison, townhouse and wharfage. The price of each lot to the end of this year to be £15; later £20 (£2 per acre). Each purchaser to be obliged to build a dwelling house on his lot and to clear 3 acres within 3 years.

"The 6,000 acres on the south side of the Raritan River at Amboy Point [South Amboy] to be divided among the proprietors.

"In laying out counties, one-seventh of the area shall be retained by the proprietors, and the other six-sevenths to be open to settlers on rental. [139]

"Since the population has increased, land rent is advanced to 2*d* sterling per acre, or may be bought at 12 years' purchase price, which would be 50*s* for 25 acres, or 2*s* per acre, but [looking forward to the accruing unearned increment] no one to have more than 100 acres at those prices, and must build a dwelling house thereon within 7 years. In case of default one-half of the land to revert to the proprietors."

In 1682 there were supposed to be 700 families, or about 3,500 inhabitants in towns in East Jersey; and in adjacent plantations about half as many more.

The seat of government in East Jersey was ordered to be moved

to Perth, "a sweet, wholesome and delightful place," and a ferry boat was established between it and New York.

In March, 1683, Penn and his associates sold, and the same was confirmed by the Duke of York, "as far as in him lieth," one proprietary share of the domain in East Jersey to each of the following: James, Earl of Perth; Robert Barclay; John Drummond; Robert Gordon; Arent Sonmans; David D—— Jr., all of Scotland, Gawen Laurie, merchant; Edward Byllynge, gent; James Braine, merchant; William Gibson, haberdasher; Thomas Barker, merchant, all of London, and Robert Turner, merchant, of Dublin. These twelve new shareholders were made proprietors, and made, with the twelve original proprietors already named, twenty-four proprietors in all; Wilcox having sold to Barclay and Hartshorne dropping out. These twenty-four Britishers thereby became possessed of all the land in East Jersey, nearly two million acres, on which they exacted an annual ground rent from all settlers.

These proprietors were mostly strangers to one another, linked only in the endeavor to profit from the increase in land value created by the settlement of a virgin country.

The interest awakened in the British Isles over the New Jersey project was highly stimulated by the diverse interests of the men comprising the board. [94]

Among the twenty-four proprietors there was a strange comingling of nationalities, religion, professions and occupations. The five most prominent were the Earl of Perth, a Roman Catholic, who virtually conducted the government of Scotland under King James; John Drummond, his brother, later Viscount Melford; Robert Barclay, the great Quaker philosopher; Arent Sonmans, a Hollander residing in Scotland, and Robert Gordon. The majority were Quakers. [144]

(The New Jersey bill in chancery in the case of the Nicolls grants shows descent of land titles among the proprietors until 1745.)

Charles II confirmed the deal for the purchase of East Jersey by the twenty-four proprietors, together with all powers of government. "His majesty commands the inhabitants in said province to submit and yield all due obedience to said grantees, their heirs and assigns, as absolute proprietors and governors thereof, who

have the sole right derived from the Duke of York, and his majesty, to dispose of the land of said province upon such terms and conditions as to them shall seem meet, requiring due compliance from all persons, as they will answer to the contrary at their peril." [162]

Among the direful expressions sometimes used by their majesties when occasion required to intimidate settlers were, "Upon pain of incurring our high displeasure," and, "Being proceeded against with due severity."

The West Jersey assembly, to settle disputes on the subject, resolved in 1682 that the government of West Jersey had been granted with the land. This was confirmed by Charles II the following year.

The proprietors in England and Scotland made an inquiry in 1683 as to what authority Governor Nicolls had for governing and granting land in New Jersey immediately after the conquest of the Dutch. They pointed out that prior to the reconquest, the Duke of York had granted all New Jersey to Berkeley and Carteret, who had appointed their own governor to make land grants.

Thomas Rudyard, deputy-governor, in 1683 wrote: "The fresh and salt meadows in East Jersey are very valuable for livestock." Mostly unusable, and actually held unused, they have since proven much more valuable, and still are so proving, as pawns in land speculation.

In a memorial from Salem, in 1683, to Governor Samuel Jennings, inhabitants complained "of frequent changes of proprietors and ask that the assembly be called to prevent future mischief and inconveniences, that we might live with security, and hope for our children, and die with comfort." The governor was granted six hundred acres for his services.

Penn, while in Pennsylvania in June, 1683, appointed a commission to treat with the governor and council of West Jersey, and another for East Jersey. He also demanded: "satisfaction for great wrongs done me and this Pennsylvania province by some inhabitants of New Jersey for spreading false reports on 'change, and in coffee houses and booksellers' shops, in London, about wars in Pennsylvania between Penn and Lord Baltimore, and that Baltimore claimed all land up to the falls of the Delaware

River [Trenton], leaving Penn no place where ships could come; thereby discouraging hundreds ready to buy land and provoking others in England who had bought and not paid to fling up their contracts." The commission to West Jersey was, among other matters, to settle about trade, and to claim the islands in the Delaware River. [162]

To induce purchases of land, and at the same time to have assembly members and officials guard the proprietors' land privilege, the fundamental constitution of the Province of East Jersey, issued by the lords proprietors in 1683, provided: "Voters and candidates for public office must have fifty acres, of which ten acres have been cultivated, or if in boroughs, a house and three acres, or if a tenant, £50 in stock. Bribery will forfeit the right to vote or hold office for ever. Three committees of management shall be provided, of twelve members each, of which eight shall be proprietors, or their proxies, and four freemen [landholders]. All officials shall solemnly promise to be true and faithful to the King of England, and to the lords proprietors.

"Whoever holds five thousand acres shall be eligible to be chosen as a proprietor, but this is not to take place until forty years after adoption of this constitution and, if after twenty years after said forty years, twenty-four such cannot be found, then not less than three thousand acres. No proprietor shall at any time hold more than his one twenty-fourth part of the country. To avoid innumerable laws, no act except this fundamental constitution shall be in force more than fifty years." [162]

Samuel Groome wrote the proprietors in London in 1683: "There is not an industrious man that may not have a comfortable life and plentiful supply of all things necessary in East Jersey. Some people from New England and elsewhere were tampering with the Indians for land but, seeing no hopes of coming in at that door, they now apply to us to become our tenants. It may be well if the twenty-four proprietors will agree to each take one twenty-fourth part of the lands as we lay them out and cast lots for locations." [139]

The proprietors in Scotland and London joined in instructions to Deputy-Governor Laurie in East Jersey "to tighten the exactions for payment of land rents and of recapturing excess land from those who are in arrears in rent." [162]

Apparently, squabbling among the English and Scotch proprietors over the method for dividing the land in East Jersey between themselves caused delay in opening up the land to meet the requirements of incoming settlers. Also, according to one account, "the proprietors in January, 1684, were stiffening the terms on which they would let settlers have land; some saying they will not rent at 2*d* per acre and may not at 4*d*." The rent had been half-a-penny.

A month later they ordered that "ten thousand acres shall be set out in the best places for each proprietor. All who have purchased one-twentieth of a proprietary may have five hundred acres in one tract."

To all demands on settlers to pay their land rent, the reply was an exhibition of Indian titles. To this stand, Governor Barclay, in London, replied in 1684: "We have sent over Gawan Laurie, one of our fellow proprietors, and expect a compliance on your part to our proposals, made or to be made by him. We are troubled to find there are too many dissatisfied persons among you seeking to subvert our interest. But we will make it manifest that those who think to possess our land by unreasonable claims will find themselves mistaken. We hope, by the assistance of God and the king's favor towards us, to prevent such practices in the future. We find you lay stress upon your purchase of land from the Indians, but we inform you that thereby you have acquired no right unless you would renounce the protection of the King of England." [162]

Sir John Werden, writing from St. James's, London, to Governor Dongan in New York in March, 1684, said: "The commissioners are unanimous that no land beyond East and West Jersey ought to be separated from your government upon any terms and, to prevent obstructing the peltry trade of New York, you should prevent all you can the uniting of any part of either Jersey with Mr. Penn who, as you observe, is very intent on his own interest in those parts."

Deputy-Governor Laurie wrote the proprietors in London: "I oblige all who buy lots at Perth [Amboy] to build a house within a year. A lot of thirty-six acres is priced at £40, or 4*d* land rent per annum. If the rents come in, I will build some houses for the

proprietors, which can be rented. There is not a poor person in the province. Pork and beef are *2d* per pound; oysters enough to serve all England."

Some proprietors, who had gone from England to East Jersey, formed a board of proprietors in 1684, to grant land, settle disputes and help advance the colony. A similar board was, four years later, formed in West Jersey. [112]

Sir John Werden, in 1684, wrote Governor Dongan at New York: "You say Captain Billop will sell his plantation on Staten Island [opposite Perth Amboy]. If he do you should have some inhabitant of New York, rather than any of New Jersey, buy it. Whoever buys land on Staten Island, it being under your New York government, must be liable to the laws thereof."

Dongan wrote the Earl of Perth, in Scotland, one of the East Jersey proprietors: "Your agents in East Jersey have dispersed printed papers to the disturbance of the inhabitants of Staten Island. It is peopled with about two hundred families and has been in possession of the Duke of York about twenty years, except when the Dutch had it. I would mention how convenient it would be to regain East Jersey [for New York], and I assure you some of the proprietors are of the same opinion."

Dongan wrote Werden: "Please look into the last patent of East Jersey. In case the duke cannot retrieve East Jersey, it would do well to secure Hudson's River and take away the East Jersey claim to Staten Island. The Lord Perth has writ me a very angry letter."

The letter from Dongan to Perth is said to have caused the recall of Dongan as governor, through the influence of the East Jersey proprietors with James. [162]

Upon the death of Charles II, in February, 1685, the Duke of York succeeded to the crown, as James II.

The proprietors of East Jersey not having the cash with which to pay the deputy-governor for services during the past year, he was granted a thousand acres. They ordered that "no land be rented or sold below the price fixed in the first printed proposal, viz., *2d* per acre rent, or £10 sterling for each hundred acres sold and, in addition, the purchaser to pay an annual land rent of *6d* for every one hundred acres. But for more durable land the

sale price or rent may be increased by the governor. Land for settlement to be plotted according to the method in Pennsylvania and Long Island; as for instance, a five or ten thousand acre township to be taken by ten or twenty families; that is five hundred acres to a family. Where there is a plot of twenty-four thousand acres, as we are informed at Barnegat, it is to be divided into twenty-four parts, being a thousand acres for each proprietary.

"Wherever there is a choice spot of land so esteemed by the surveyor-general or any two commissioners, either for soil or location, it shall be reserved for the joint interest of all the proprietors and shall not be meddled with." [162]

Governor Barclay wrote Laurie: "All indented servants imported since March, 1682, as soon as their term expires, may have twenty-five acres at 1*d* per acre annual land rent, instead of 2*d* as previously stated by mistake. We forbid the selling of any of our land rents whatsoever."

Laurie and Surveyor-General Rudyard each had five thousand acres allotted them, each selecting a thousand acres of the choicest land at Cangoraza, "on the water side." But the proprietors, learning that it was choice land, penalized Laurie by counting the thousand acres as equal to three thousand in his total allotment of five thousand acres. The thousand acres selected by Rudyard being found to be even better, his thousand acres were counted as equal to four thousand acres.

Of the twenty-four East Jersey proprietaries, all but five had, within a few years, parted with a portion of their holding, some share divisions being one-quarter, others one-eighth, one-twentieth, one-thirty-second or one-fortieth of a proprietary.

Dr. Daniel Coxe was physician to the queen of Charles II, and later, to Queen Anne. He and his son, Colonel Daniel Coxe, speculated extensively in colonial land claims. The doctor bought Sir Robert Heath's defunct claim of the Carolinas and endeavored to obtain its validation, by which to justify his effort to obtain land in Louisiana.

Dr. Coxe acted in league with William Dockwra, a London merchant, secretary for the East Jersey proprietors, and later accused of fraud in taking up land. [144] Coxe said: "The West

Jersey proprietors gave about £18,000 for the land which cost the earlier holders not much above £4,000, and then were forced to buy every acre over again from the Indians, who daily raise the price of land as they understand our want of it. But we humbly hope that should the king resume all American governments into his own administration, his justice and goodness will preserve to us our lands." [162]

East Jersey proprietors wrote King James in 1687: "The most considerable of the proprietors would not be concerned in this province except on the particular approbation of the present king and the assurance of his favor and protection; as a pledge whereof the king gave them the land and a grant of the free use of all rivers, bays and waters for navigation, free trade of fishing, and with the right of government."

The proprietors proposed and prayed that his majesty would confirm title to their lands and land rents, and the monopoly power of purchasing land from the Indians, as was enjoyed by the proprietors in other provinces. [105]

Dr. Coxe bought the entire West Jersey interest of Edward Byllinge, which included the right of government of the colony. In March, 1692, he and his wife, for £9,800, transferred to the West Jersey Society, a corporation, all rights to their American lands, which included more than one-fifth of all land in West Jersey; two hundred thousand acres in Minnisink, between the Delaware River and the Blue Ridge Mountains in Sussex, Ulster and Orange Counties; Merrimac lands in New Hampshire; and ten thousand acres in Pennsylvania. Also a pottery in Burlington, town lots in Perth Amboy, land in Gloucester and Cape May counties, and at Egg Harbor, together with the right to govern West Jersey. Notwithstanding these varied and extensive land holdings, to say nothing of the right to govern all West Jersey, Dr. Coxe was never in America.

On the same day as the purchase from Coxe, the West Jersey Society issued sixteen hundred shares of stock, subject to a payment not to exceed £10 each, to pay for, manage, and improve the land bought. [162]

The following December, the proprietors of West Jersey in England wrote Governor Basse in New Jersey: "We have bought



of Coxe the remaining one-third of the land, of which he sold us two-thirds in the first purchase. Also, four thousand acres at Cohansey." From this it may be surmised that the West Jersey Society acted for the West Jersey proprietors.

To Basse they added: "The two proprietaries above the [Trenton] falls, containing fifteen thousand acres, which Dr. Coxe bought for £1,250, and which we bought of Dr. C<sup>o</sup>x<sup>e</sup>, is said to be the best land in the province. You may sell any part for £12 per hundred acres, except reserving some part of it near the Delaware River where the best oaks grow. Dr. Coxe tells us land is sold at £10 per hundred acres but, rather than fail, you may sell above the falls at £5 per hundred acres. Do not sell any land at Cape May, or along the seashore, for that we will not sell, because of the convenience for the whale fishing." [162]

Each of the twenty-four East Jersey proprietors had, by September, 1690, paid in £55, with another £10 shortly to be paid. [162]

William Dockwra, secretary, wrote Governor Hamilton in 1692: "You are to cause our receiver-general to forthwith demand all arrears of land rents due the proprietors from any town, or person, in the province and if any town or person shall refuse to pay such land rent, or to secure the same, you are to order our receiver-general to destrain upon goods and chattels of such town or persons and in default of distress to sue them in due course of law for recovery." [162]

A year later Dockwra wrote Hamilton: "The government and inhabitants of New York, according to their wonted custom, have been again soliciting at court for annexation of both Jerseys to New York, but have been frustrated."

A petition of Elizabethtown people (Nicolls' grantees) to the king, in 1693, pleads: "We have planted and improved our land, but about one hundred, or some other great number, calling themselves proprietors, pretend that they have a title thereto by several mesne conveyances from Berkeley and Carteret, to whom the duke conveyed the land before he, or any other of him, had ever been in possession of said land; and after your petitioners had enjoyed the same quietly for near thirty years, to force them to pay a large land rent for same.

"In this pretended court, and before these pretended judges of their own making, the said pretended proprietors did, in 1693, bring an action against Jeffery Jones for part of said land in Elizabethtown, and the same came to trial, and although upon full evidence the jury, chosen by the said proprietors and their creatures, gave a verdict for Jones, and yet the judges being either of, or the appointees of, said proprietors, were so partial and arbitrary, as contrary to law and justice, to give judgment against Jones, which your majesty has reversed.

"That your petitioners are now destitute of any lawful government and groaning under oppression of said usurpers, we plead to be placed under the government of New York. If Nicolls' patents are disallowed it will not be safe for any man to make improvements, nor to purchase land. The land rents ought to be paid to the crown." [162]

Had the annual land rents been paid into the public treasury all these years, for public purposes, instead of being paid to absentee landholders, New Jersey need never have had a public debt, and would be more highly developed than now.

Thomas Gordon, one of the Scotch proprietors of East Jersey, settled at Scotch Plains in 1684. Eleven years later, to represent the New Jersey proprietors resident therein, he was sent to England, in the controversy with the Elizabethtown claimants. Upon his departure, he was instructed by Governor Hamilton to say: "The land rent of the Nicolls Elizabethtown patent is indefinite and refers to 'such rent as may be established in other of the duke's colonies.' Such later patents in New York were as much as half-a-penny per acre. If the proprietors may not let out the land upon what land rents they please, where is their advantage in purchasing the province? We offer to the proprietors, as our opinion, that they sell off the land rents since it breeds so great heart-burning amongst the inhabitants. Instruct the council in East Jersey for how many years' purchase they will sell the land rents. But if the price is set too high it will discourage them." [162]

An opinion given by eight English lawyers, presumably at the request of the proprietors stated in part: "All grants made by Nicolls after date of the Berkeley and Carteret grant are void,

for the delegated power of Nicolls could last no longer than his majesty's interest. . . . By the law of nations, if any people discover a country of barbarians, the prince of the people who make the discovery has the right of the land and government, and no people can settle there without the consent of the prince, or of such persons to whom the right has been conveyed, and payment to them of such rent for the land as the proprietors require."

It is unlikely there was any law on the subject at that early day, and the "right" referred to was but an usurpation by the reigning monarch for his individual profit, or to reward some favorite. As Mulford [105] said: "If there was any defect it must have been in the right of the king to make such conveyance."

The proprietors in England appointed Basse, then in England, as governor of both East and West Jersey, and he returned to New Jersey in the spring of 1698, where he remained until the next year. They instructed him that "upon non-payment of land rents you are to levy and sell, but not to sell any land rents at less than twenty years' purchase-price and, in addition, to reserve not less than half a penny per acre perpetual annual land rent upon any landholder to whom you sell. That you do not consent to any law that may lay any tax or imposition whatsoever upon any of the uncultivated land in said province." This particularly included the lands of the proprietors and, naturally, would enable them more easily to hold their land unused until buyers appeared. One harmful effect was to make land artificially scarce, which promoted land speculation by others.

Lewis Morris, at Tinton, in East Jersey, wrote Secretary Dockwra: "Any tax on land, the proprietors lands pay nothing . . . Their land rents are an unjust tax upon us and our heirs for ever. I would be glad to hear any one of their admirers instance one good thing the proprietors have done for the country, show where they have performed any of the many promises they have made in their 'concessions' and by their governors; what trust, what faith, is there in them? what truth in their letters? where is their integrity, justice, honesty and fair dealing with the country?" [162]

A memorial of the proprietors of East Jersey, in 1699, proposed, ". . . surrender of the government if his majesty will confirm to them the laws of said province [which laws the proprietor's as-

semblies had enacted] and the land rents reserved upon the grants of land already made and to be made. To have the sole privilege, as has been always practiced, of purchasing from the Indians what land remains unpurchased of them. That the twenty-four proprietors of East Jersey may be lords of the land and hold courts for the lands in the proprietorships, and appoint all officers that relate thereto. That all goods and chattels of traitors, felons, deodands, fugitives, estarys, treasure-trove, mines, wrecks, royal fish [whales] that shall be forfeited, found or taken within East Jersey, and within the seas adjacent, to be for the proprietors, with all other privileges and advantages as amply as in the grant and confirmation to them in 1682." [162]

William Sandford became owner of fifteen thousand acres, upland and meadow land, between the Passaic and Hackensack Rivers. He was a member of the councils of the two governors, and president of the court of Essex County at Elizabethtown. At a session of the court, in 1700, Samuel Carter, leading a group of discontents, railed at, and outrageously abused, the justice; calling the president a liar, which led to rebellious actions. Carter was held without bail.

The settlers continued dissatisfied about the land policy, and renewed disorders occurred in Middletown, incited by an English sheriff being displaced by a Scotsman. The settlers resented the Scot's arresting their neighbors and they beat him. Colonel Hamilton came from Burlington with forty or fifty armed men and was met by 170 unarmed.

The proprietors of East Jersey in London, in December, 1700, wrote the Lords Commissioners of Trade and Plantations in London: "The proprietors by themselves, or by licensing settlers to do so, purchase the land from the Indians, and afterwards confirm the same to the settlers by grant from the proprietors under land rents. This was the method of granting lands within this province from the first planting of it, and the grantees usually paid their rents till some of the settlers broached and advanced an opinion that the king's right to the American countries was only notional and arbitrary, and that the Indian natives are the absolute independent owners of the lands and have the sole disposal of them.

"In consequence, some of the planters, who after purchasing

from the Indians, and taking deeds from the proprietors now refuse to pay their land rents, and others who have since bought of the Indians, refuse to take deeds from the proprietors. If this notion should receive encouragement and prevail, the proprietors are advised that all pretenses of the crown to, and their grants of, American colonies have been wholly illusory and royal frauds, and the petitioners may, and in all probability will, deny his majesty's right to government, as well as to the land of these countries, and set up a government of their own, which the proprietors hope your lordships will think it worthy of your consideration to prevent.

"As was the usual practice, the proprietors licensed one John Royce, now a great asserter of the Indians' sole right to the land, and he did purchase twenty thousand acres of the Indians, and had about six thousand acres granted to him by the proprietors at 2*d* per acre yearly land rent. But now Royce, puffed up with the notion of the sole right of the Indians, and of no right in the king and his grantees, refuses to pay land rent, and claims all the land he bought of the Indians.

"The proprietors humbly submit to your lordships' judgment, that they, and the proprietors of West Jersey, had unanimously agreed, before this complaint arrived, to surrender the government of both provinces to his majesty, under terms and conditions as they are advised are proper." [162]

Through the sale of fractional shares, the number of proprietors became so great, and so divided in interests and aims, that their councils were uncertain and wavering, and their resolves but feebly pursued. [105]

The proprietors of East and West Jersey in August, 1701, submitted a statement of their views, signed by twenty-two from East, and thirty-two from West Jersey. Relative to surrender of their governments, they asked the sole power of purchasing land from the Indians; any title from Indians to other persons to be null and void; that no person be capable of election as representative who should not have a thousand acres of land, and no one was to vote who had not a hundred acres.

Queen Anne, second daughter of James II, came to the throne in March, 1702. Her husband, Prince George of Denmark, was

made high-admiral of England. One of her first acts was the acceptance, in April, of the surrender by the lords proprietors of the governments of East and West Jersey. Upon which, William Penn exclaimed: "The surrender of the governments to the crown is an ugly preface." He obviously feared Pennsylvania might be the next to be taken over. After Penn arrived with his grant of Pennsylvania, he seems to have given no attention to New Jersey affairs, except to receive his allotments of large areas of land in New Jersey when declared as dividends, and in resenting statements derogatory to Pennsylvania, sent to England by some New Jersey gossips.

The New Jersey proprietors, by their surrender of the government, lost a claim to authority which they had been scarcely able to enforce, but they were now secured, under royal assurance and direction, in the private ownership of the land. [105]

England declared war against France in 1702, and the French advanced against the colonies from Canada.

The Queen appointed her cousin, Lord Cornbury, as the first royal governor of New Jersey and also governor of New York. Her instructions to him: "Liberty of conscience to every one except Papists; that Quakers be allowed to affirm; no printing press to be set up without the governor's permission."

Governor Cornbury, in a speech to the assembly said: "I am commanded to recommend to your care a bill whereby the rights and property of the proprietors may be confirmed to them, together with all land rents and all other privileges."

The leaders in the assembly were opposed to the proprietary claims and, it was suspected, and even alleged, that Governor Cornbury really was not desirous that the assembly should confirm the proprietor's title to land and land rents. [139]

The assembly, in 1703, enacted that no person except one holding a right of proprietary, and obtaining a license of such, could purchase land of the Indians, under penalty of 40s per acre. [46] This shut settlers out from getting land except upon the terms exacted by the proprietors.

Colonel Robert Quarry in 1703 wrote the Lords of Trade and Plantations: "The assembly bill asserted the right of the East Jersey proprietors to all the land on Staten Island, the govern-

ment of which has been in actual possession of the crown for the past forty years.

"East Jersey had been a long time in the hands of a Scotch governor, Morris, and about twenty Scotsmen, who always carried it against more than a thousand others. The major part of the assembly are proprietors. West Jersey is chiefly in the hands of Quakers, mostly proprietors.

"But what seems the most extravagant in the proprietors is that they should cheat so many of their own brethren, and to have picked and culled all the choice land throughout the province to themselves and their heirs. Others must take up the barren land, or none, while the rest have from twenty thousand to sixty thousand acres apiece of the choicest land, worth a vast sum of money; a few of the topping proprietors in England are taken care of by those proprietors here.

"The assembly, at the request of the Queen, has levied the most unequal tax. There are a great many men in the province, besides the proprietors, that have obtained great estates by land-jobbing, whose business is to buy all good land and parcel it out to vast advantage. The support of the government lies on the poor industrious farmer of fifty to one hundred acres of improved land, who must pay a tax for his land and also his horse, cow, sheep, servants and what other stock he has. This injustice they shelter under an instruction recommended by the proprietors to her majesty."

[162]

And the New Jersey legislature today, like those of other states, continues this illogical and impolitic system, supported by the selfish motives of energetic real estate boards. These present-day speculators are so without vision for the public welfare, when their unearned increment seems impaired, that but few of them realize the tax system they support is against their own business interest, as well as a social canker.

Peter Sonmans, son and heir of Arent Sonmans, stated, in 1704, that he possessed five-and-a-quarter proprietaries in East Jersey, and two in West Jersey, inherited from his father. He and William Dockwra, with other proprietors, asked for a hearing about possession of Staten Island.

Governor Cornbury wrote the Lords of Trade in London, "Her

majesty's instructions to me were not to allow any person besides the proprietors or their agents to buy land of the Indians. I consider this will hinder the country from being cleared and peopled so soon as it would be otherwise, for the proprietors will not sell or lease any land but at certain rates, which these proprietors who live in the province have agreed among themselves shall be the price, and people go to Pennsylvania. I believe certain land rents should be fixed, and that licenses issued by the governor to buy land of the Indians would settle the country much sooner." [162]

Secretary Dockwra, Sonmans and Colonel Coxe, in 1705, wrote the Lords of Trade: "The Quakers should be excluded from the council and assembly and all other places of public trust."

The same year the proprietors of West Jersey wrote that no act should be made to lay any tax upon unused land; and complained that: "Governor Cornbury has encouraged, and assented to, a bill in the assembly for taxing all land without distinction. There is no other colony in America wherein uncultivated land is taxed. So none more effectual could have been contrived to prejudice the proprietors. For if any man who has a thousand acres or more (as most of the first holders have), which he does not use, he must pay a tax for this land which may eat up the greater part of the profit of what he can, and does, cultivate; or he must desert the whole; and if we who have great tracts of land of many thousand acres to maintain our agents or servants, we must pay a tax for all the residue which yields us nothing. In consequence of this act several persons, who have agreed with our agents for land, have renounced their bargains and removed into those provinces where they can purchase great tracts of land and preserve them for their posterity, and we, unless relieved from this oppression, must deliver up our lands or our purses. If the exclusive right of the proprietors to purchase from the Indians be taken from the proprietors—the grantees of the crown—all grants of the whole main land of North America have been royal frauds under sanction of the great seal of England, and no man will ever after purchase lands under that title. 'Tis not the want of power to purchase lands from the Indians, but the taxing of unused lands, that has occasioned persons to remove to Pennsylvania and other colonies." [162]



The above is a convincing reason why unused land should be heavily taxed. It can be readily seen why persons who contemplated buying land to hold unused, to "preserve for their posterity," should have preferred to go, to speculate in land, to those parts where unused land was not taxed. Land speculation, prompting the holding of land unused, retards development of any state or community, and thus restricts the production of wealth.

Lord Lovelace arrived in New York in December, 1708, as successor to Cornbury. Queen Anne died in 1714, and was succeeded by George I.

A fourth dividend of land to the West Jersey proprietors was made that year, comprising 205,374 acres above Trenton. William Penn and Colonel Daniel Coxe received abnormally large portions. The Indian consent was acquired by giving them an insignificant amount of goods. [144]

Surveyor-General Leeds was charged with having altered the survey records. Contention about land, which had been going on for some years, made life-long enemies, with cries of "grab, grab and fraud." Two tracts, one of 2,000 acres, and one of 1,250 acres, at Morristown, were granted by the lords proprietors in 1715 to John Kay, Helly and Stevenson, all absentees. [144] In 1719 the province had a population of thirty thousand, and was heavily in debt.

The London Land Company in 1736 claimed ten thousand acres from Arent Sonman, and there arose a demand by proprietors for a distribution of land below Trenton as the fifth dividend.

Some New Jersey people made a plea to the crown for a government separate from that of New York, and this was granted in 1738.

A bill in chancery, respecting the Nicolls' Elizabethtown grant of eighty-one years previously, was filed in 1745, to which, six years afterwards, an answer was filed by 449 landholders and inhabitants.

The old dispute concerning land titles, which at earlier periods had been the cause of so much confusion and strife, was revived in 1745 and riots ensued. Large areas of land were held by Indian

titles in disregard of the proprietors' orders and the proprietary-enacted laws. The proprietors had not been able either to compel payment of the land rent or to obtain the land. Colonists declared that "the Indians have a right from the Great and Absolute Proprietor of the Whole Universe, which stands registered in the best record on Earth." [57]

Instead of showing land titles from the lords proprietors, the settlers showed deeds "procured from strolling Indians for a bottle of rum." It would seem that white men were roaming about the country, over meadows and mountains, with a bottle of ink and a goose-quill pen in one hand, and a bottle of rum in the other, seeking Indians to sign deeds for land.

The defense of the settlers was that "so called" lords proprietors had, in 1744, surveyed all the unused land in Essex County, including many acres in the Horseneck Purchase and in the Van-Geisen Purchase, which the settlers had obtained from the Indians and improved, and upon which they had lived for many years. The proprietors began to sell the land to others and eject the settlers. Threats were made to dispossess all who would not yield to the proprietors, and also those who had grants from the proprietors, but would not pay their land rent, a sum amounting to £30,000. Settlers were arrested and jailed. [57]

Settlers who had been decided against in the courts, and been committed to prison, were released by force. For a time the laws became powerless. Memorials and counter memorials upon the subject were presented to the king. [105]

In 1747 there were land riots in Morris, Somerset and Hunterdon Counties, and the following year in Newark and Perth Amboy. Arrests and imprisonment were followed by attacks upon the jails and release of the prisoners. Again, in the two succeeding years, land riots occurred in Hunterdon and Bergen Counties. [46]

The proprietors claimed that any one who held land by an Indian deed alone virtually declared the "Indian grantor to be the superior lord of the land and disowned the crown of England to be so. Such one withdrew his allegiance from the crown of England, for within his domain all lands were held immediately or mediately from the king; that to attempt to establish the domin-

ion of the Indian, and to destroy the dominion of the crown of England, was an overt act that approached high treason." [57]

By these arguments the proprietors attempted to maintain their land privilege, and justify their actions in arresting and imprisoning settlers who could not show a title from the proprietors. But with all their arguments, they could not control or influence the colonists. The governor appealed to the assembly, but public opinion was with the colonists. [57]

The colonists answered that they had the following license: "You [including many names] and company have liberty to purchase from the Indians within this government what quantity of land you shall think convenient, in this province, etc., and for so doing, this shall be your Warrant. Given under hand and seal of the governor." Signed, Philip Carteret, July, 1666.

Settlers claimed that this warrant had been given them in 1666. Abram Pierson of Newark, during his pastorate at that time, was sent, at the request of Carteret, to confer with the governor at Elizabethtown. The minister declared that, while there, this document was taken from his pocket. So, when production of the warrant was requested, as authority to purchase from the Indians, it could not be produced. In later years it was found among Carteret's papers. [57] However, the warrant did not imply revocation of the land rent provision.

Purchases under this warrant were made before the law of 1703, which declared all further purchases from Indians illegal. The lords proprietors claimed that there was no confusion in the colony which "the rioters and their accomplices had not made, with the hope of wresting from the proprietors both their rents and their lands."

The governor and his council, with an air of superiority, frequently referred to the settlers as ignorant people who did not know what was good for them and who were misled by vicious demagogues. Colonists claimed they believed their land titles good, but asserted they could not secure justice in the proprietary appointed courts. The proprietors secured all the able lawyers in New Jersey and New York, so colonists could not get competent legal advice to defend the multiplicity of suits brought to try to ruin them. [57]

But, at about this period, proprietary deeds to extensive portions of land, held by the settlers, were acquired by men of authority and influence, who were disposed to enforce their claims. These included Chief Justice Robert Hunter Morris, James Alexander, secretary of the province, and other prominent officials.

Writs to eject the settlers were issued and suits for recovery of the land rents were commenced against many holders of Indian deeds. These defendants, who formed a large portion of the population of some counties, associated together and resolved that, whatever might be the decision of the law, they would maintain their possessions. [105]

For nearly a century, land titles and land rents in New Jersey were sources of great public disturbances and often, as shown, were the cause of riots. By 1755 the French and Indian War had diverted public attention, and drawn into the army many of riotous disposition, which allayed the rebellious spirits.

Nevertheless, after ten years' persistent effort, the settlers lost their farms and homes, and the resulting poverty and suffering were acute.

After the lords proprietors had acquired the land of the Indians, the province, in 1758, following the example of Calvert in Maryland, put the Indians on a three thousand acre reservation at mosquito-infested Indian Mills in Burlington County. Two hundred of their descendants lived there during the next forty-four years.

The First Presbyterian Church in Newark, the only church until 1719, was in 1696 granted two hundred acres, in different tracts. In 1754 it rented a part of its donation at a rental of £2, 6s, and the next year increased the rental one shilling. This is the earliest record of increasing land rent in New Jersey.

From that time to the present, with successive recessions and recoveries, land rent and the selling price of land in New Jersey have increased, solely as the result of increase in population and public improvements; and because of a too low tax on all land value.

Foreseeing that landholding would soon return a steady unearned income from rent and sales of land, speculation in land began to develop.

The trustees of the First Church in 1760 induced David Young, heir of the oldest patentee, to deed to their church the two hundred acres which had been granted in fee by the lords proprietors for the use of a church. Great haste and secrecy were displayed in getting this deed, because of the developing strength of other churches. [57]

However, after half a century of conflict between the churches over the unearned revenue from land rent, the First Church, in 1787, granted to the church in Orange, and to the Episcopal Church, a portion of the annual income, since then grown to a large sum from the land rents.

Even before the time of this transaction, land had been made artificially scarce by speculators holding large areas unused, which increased the price of land and made it more difficult and costly for people to get desirable locations upon which to live and work. Then poverty began to arise. Instead of collecting this community-created annual land rent for public purposes, including relief for the poor, the poor were sold at auction to whosoever would care for them at the lowest monthly charge. This disgraceful method continued in effect for the next half-century. And even today, any beings so unfortunate as to have met with adversity, must, to get poor relief from their municipality, declare themselves to be paupers.

The most characteristic feature of the economic development of West Jersey, at an early day, was the establishment of a land-owning class, through the formation of a plantation-owning aristocracy. Wealthy members of the Society of Friends sought to marry their daughters to some worthy young man of another land-owning family and join the two estates; thus thousands of acres came into the possession of a comparatively few families. There grew up a social condition not unlike that of tidewater Virginia and Maryland. [94]

Staten Island was clearly in the grant of New Jersey, but was lost, apparently through neglect of the New Jersey proprietors, and of the New Jersey assembly (after 1702 controlled by the crown), to continue to assert ownership. After 165 years of intermittent contention it was, in 1833, recognized as a part of New York.

Thomas Budd, one of the early English settlers in West Jersey, arrived in Burlington with a group of Quakers in 1678, and in some way acquired possession of Absecon Island, on which Atlantic City is now situated.

Subsequently, Jeremiah Leeds claimed he bought all the land on the island, from the ocean to the meadows, and from the Inlet to the present city limit at Jackson Avenue, for which he paid (presumably to Budd's heirs), 40¢ per acre.

When the Camden & Atlantic Land Company was formed and Atlantic City founded, at the opening of the railroad in 1854, the Land Company paid Leeds \$128,000; being \$17.50 per acre for the same land, composed mostly of sand-dunes.

Due solely to increase in population, this land (not including buildings) has increased in value and is now officially assessed at \$44,000,000. It produces, or is worth to the holders, a land rent of more than \$3,000,000 annually, over and above taxes thereon.

The question naturally arises, "Who created that great land value and land rent since the days of Thomas Budd and Jeremiah Leeds?" Certainly not Budd or Leeds, or the individual holders of lots and unused land, but all the people, including bathing beauties and other visitors who congregated there.

Consequently it is a publicly-created value, and in all reason should be collected for the city treasury to pay public expenses. Were this annual land rent so collected, instead of inuring as increased value to holders of lots and unused land, the city would have all the revenue it needs, without a bonded debt, or being in the financial plight it long has been.

There is only one main avenue in the city sufficiently wide to accommodate the present traffic without congestion. When the future city was planned, the city engineer recommended wider streets than were proposed, but the speculative land company officials rejected this, because it would reduce the number of saleable lots. Consequently, those who use the streets, now or hereafter, must endure congested traffic as a tribute to land speculation.

While the beaches and sand-dunes along the New Jersey coast early passed into private ownership, upon the principle that no land was too poor to be without an owner, there was but slight

recognition of individual bounds. Faulty surveying, changes in natural monuments, and alterations in contour caused by tides and subsidence, threw boundary lines into the greatest confusion. [94]

Practically, the beaches—a free gift of nature to all the people—were commons, open to everybody, until within recent years, when holders of title to the land fronting on the ocean have erected wire fences along the north Jersey shore. They thus exact toll of everyone bathing, or even wading, in the ocean, and of all those in the fishing industry in those waters. This, in effect, gives private ownership not only to the beaches, but also to the Atlantic Ocean immediately along the north Jersey seashore.

It is believed that most of the land in West Jersey has been located in surveys, but there are intervals, here and there, where surveys already made do not completely cover all the land.\*

In 1864 a law was passed by the legislature relating to riparian lands, and since that time, the state has claimed and exercised the right of ownership thereof, which had been previously part of the proprietary interest. The state now leases tens of thousands of acres of it to users, especially for oyster culture, at an annual rental payable to the State School Fund, thereby reducing the state-wide school tax on all property.

With this as a precedent, and with the ever-increasing population and pressure for land use, the state may presently, in one way or another—possibly through a surtax delinquency—assume ownership of unused land. These areas may be leased at a perpetual annual land rent, if unsuitable for industry, or be dedicated to the many social uses, private and public, to which land may be put, including slum clearance, athletic fields, public golf-courses, playgrounds, parks, forestry and wild-life sanctuaries.

\*Benj. A. Sleeper, civil engineer.